

Decision: 1999 ME 177

Docket: Oxf-99-269

Submitted

on Briefs: November 17, 1999

Decided: November 29, 1999

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, and ALEXANDER, JJ.

THERESA TENNEY

v.

BRADLEY BENSON and BENSON LOGGING, INC.

PER CURIAM

[¶1] Bradley Benson and Benson Logging, Inc. (collectively Benson) appeal from a judgment entered in the Superior Court (Oxford County, Warren, J.) after a jury-waived trial finding him liable for breach of contract and willful trespass pursuant to 14 M.R.S.A. § 7522 (1980). Benson challenges the trial court's finding of liability and calculation of damages. As the appellant, Benson has the burden of providing us with a sufficient record that allows adequate consideration of his arguments. See *International Paper Realty Corp. v. St. Hilaire*, 525 A.2d 1035, 1035 (Me. 1987). We are in no position to consider Benson's arguments because he has failed to provide us with a trial transcript. See *id.*; *State v. Butler*, 627 A.2d 530, 531 (Me. 1993).

[¶2] Additionally, in the absence of a record, we find that this appeal is frivolous and without merit. See *Fleet Bank of Maine v. Hunnewell*, 633 A.2d 853, 854 (Me. 1993); M.R. Civ. P. 76(F). We, therefore, impose

sanctions in the amount of \$500 to be paid by the appellants or their counsel.

The entry is:

Judgment affirmed with sanctions
against the appellants in the amount of
\$500.

Attorneys for plaintiff:

James B. Haddow, Esq.
Bruce A. McGlauflin, Esq.
Petrucelli & Martin, LLP
P O Box 9733
Portland, ME 04104-5033

Attorney for defendant:

Thomas F. Smith, Esq.
Smith & Kimball
P O Box 98
Harrison, ME 04040